

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22853 of 2019

Arising Out of PS. Case No.-795 Year-2018 Thana- JAHANABAD District- Jehanabad

CHUNCHUN KUMAR Son of Late Alakhdeo Yadav @ Janak Yadav,
Resident of Village-Budhan Toli, P.S-Kalpa (Jehanabad), District-Jehanabad.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Shashank Shekhar, Adv. Mr. Udbhav, Adv.
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 17-08-2019 Heard learned counsel for the petitioner as well as
learned APP along with learned counsel for the informant.

Deceased, who was in company of the petitioner along with co-accused, Shambhu Kumar sustained piercing injury over his stomach which ultimately proved fatal.

It has been submitted at the end of the petitioner that there happens to be absence of motive whereupon, there could not be an occasion for the petitioner to commit such an offence. Also submitted that genuine conduct of the petitioner should be seen who along with Shambhu took the victim to Kinari Clinic wherefrom taken to Sadar Hospital, Jehanabad and while the victim was to be taken to PMCH, he succumbed. Furthermore, it has also been submitted that there happens to be no eyewitness. In worst case, it could be a case of last seen theory over which, there should have been positive evidence relating to the motive and in



absence thereof, one of the major links of the circumstantial evidence is found lacking. Accordingly, petitioner is entitled for bail.

On the other hand, learned APP along with learned counsel for the informant opposed the same.

Gone through the materials available on the record. From the record, it transpires that the deceased at the relevant time was in company of the petitioner along with Shambhu and so, it was upon the petitioner along with Shambhu to have explained how the deceased sustained injury. Being deficient on that very score, for the present, does not justify the prayer for bail. Accordingly, the same is rejected.

(Aditya Kumar Trivedi, J)

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